

## **Item SPR06-28 Response Form**

**Title:** Juvenile Law: Indian Child Welfare Act Rule and Forms (amend Cal. Rules of Court, rule 1439; revise forms JV-100, JV-101, JV-110, JV-135, and JV-600; approve forms JV-136 and JV-137; and adopt form JV-138)

- ☐ **Agree** with proposed changes
- ☐ **Agree** with proposed changes **if modified**
- ☐ **Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Organization: \_\_\_\_\_

☐ **Commenting on behalf of an organization**

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Romunda Price,  
Judicial Council, 455 Golden Gate Avenue,  
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**Fax:** (415) 865-7664      **Attention:** Romunda Price  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, June 23, 2006
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council, the Rules and Projects Committee, or the Policy Coordination and Liaison Committee. All comments will become part of the public record of the council's action.*

## Invitations to Comment SPR06-28

Title	Juvenile Law: Indian Child Welfare Act Rule and Forms (amend Cal. Rules of Court, rule 1439; revise forms JV-100, JV-101, JV-110, JV-135, and JV-600; approve forms JV-136 and JV-137; and adopt form JV-138)
Summary	The proposed rule amendments, form revisions, and new forms would establish a procedure for transferring jurisdiction from state court to tribal court; document required inquiries by social workers and probation officers of parents, legal guardians, and relatives about the child's possible Indian ancestry before filing a juvenile petition; remove the requirement that the county probation department provide notice to tribes of jurisdiction hearings in delinquency cases; clarify notice requirements; clarify the requirements for proceedings after notice; clarify the process and rights accorded a tribal intervenor; and clarify who bears responsibility for the documentation of placement records for an Indian child. In addition, the term "shall" has been replaced by "must," where appropriate, in accordance with current rule nomenclature.
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Christine Williams, 415-865-8024, christine.williams@jud.ca.gov Jennifer Walter, 415-865-7687, jennifer.walter@jud.ca.gov
Discussion	<p>This proposal addresses the following issues under the federal Indian Child Welfare Act of 1978 (ICWA): (1) transfer of a juvenile case from state court to tribal court jurisdiction; (2) inquiry responsibilities and documentation of such inquiry; (3) notice requirements for probation officers in delinquency cases; and (4) placement documentation for an Indian child.</p> <p><i>Transfer</i></p> <p>ICWA provides for a system of concurrent state and tribal jurisdiction over Indian child custody proceedings. (25 U.S.C.A. § 1901 et seq.) Rule 1439 of the California Rules of Court addresses jurisdiction, but does not provide guidance on the transfer procedure. With a growing number of tribes in California establishing tribal courts and tribal social services, state courts have been receiving more requests for transfer of juvenile cases to tribal jurisdiction, and tribes and courts have asked for assistance with establishing an efficient process for transfer.</p> <p>Rule 1439 would be revised to include: (1) reference to the tribe's use of proposed form JV-137, <i>Notice of Request and Request to Transfer Juvenile Case to Tribal Jurisdiction</i> or other petition requesting the case be transferred to the jurisdiction of the tribal court; (2) clarification that a request to transfer the case to the jurisdiction of the tribal court would be</p>

heard after the filing of a dependency petition, or in the case of a delinquency case, after the jurisdiction hearing; (4) clarification that the court must grant the transfer request unless either parent objects, the tribe declines the transfer, or the court finds good cause not to transfer the case; and (5) circumstances that constitute “good cause” established by the federal Bureau of Indian Affairs Guidelines (Guidelines). (See Guidelines, 44 Fed. Reg. 67584 (Nov. 26, 1979), § C.3.)

Form JV-137 would be an optional form available to assist tribes in requesting transfer. It includes an explanation of when a tribe can request transfer and explains how to provide notice and obtain a court hearing date. Form JV-138, *Order Transferring Juvenile Case to Tribal Jurisdiction*, would be a mandatory form that courts would use to either grant or deny the transfer of a juvenile case to tribal jurisdiction. Both forms would assist courts because they provide a standard procedure for federally recognized tribes to request transfer and for the juvenile court to grant or deny their requests.

#### *Inquiry*

The juvenile court, department of social services, and county probation department have an affirmative and ongoing duty to inquire about the child’s Indian status. *In re Glorianna K.* (2005) 125 Cal.App.4th 1443, 1449; *In re Nikki R.* (2003) 106 Cal.App.4th 844, 888. See Guidelines, 44 Fed. Reg. 67584 (Nov. 26, 1979), §§ B.1(a), B.5(a). Currently, rule 1439 requires inquiry of the child, if old enough, and the child’s parents or legal guardians. Cal. Rules of Court, rule 1439(d)(2). Because the child’s Indian status is not always raised by these parties, but rather by relatives late in the proceedings, the trial court’s decisions are subject to potential invalidation by the child’s tribe. The rule would be amended to require the social worker and probation officer to ask relatives, identified by the parents or legal guardians, whether the child may have Indian ancestry. This would substantially reduce the likelihood of the court’s decisions being invalidated.

The rule would also be amended to reference the revised forms, JV-100, *Juvenile Dependency Petition (Version One)*, JV-101, *Additional Children Attachment*, JV-110, *Juvenile Dependency Petition (Version Two)*, and JV- 600, *Juvenile Wardship Petition*. These petitions are being amended in response to an appellate case, *In re S.B.* (2005) 130 Cal.App.4th 1148, 1161, wherein the appellate court described Judicial Council form JV-100 and found sufficient evidence to infer that the agency adequately inquired whether S.B. was an Indian child because neither box on the petition was checked to indicate that the child might be a member of, or eligible for membership in, a federally recognized Indian tribe, or might be of Indian

ancestry. Currently there is no box on the form to indicate that there is no evidence of Indian ancestry or that the petitioner, for whatever reason, did not complete an inquiry into the child's Indian ancestry. These boxes have been added to create a more complete record of inquiry.

#### *Notice*

Notice to tribes in delinquency matters before disposition is not practical nor is it required under ICWA. Rule 1439 would be amended to clarify that inquiry into a child's possible Indian ancestry is required before filing either a dependency or delinquency petition. Rule 1439 would also be amended to clarify that actual notice to tribes is required for all hearings in dependency cases and only for the dispositional hearing and all related subsequent proceedings in delinquency foster care cases.

These clarifications address the concerns over the burden and delay that could arise from an overbroad application of ICWA to delinquency cases. A recent Court of Appeal decision raised this issue when it examined Rule 1439's notice requirements for all hearings in 601 and 602 cases when the child is at risk of entering or is in foster care. See *Enrique O.* (March 13, 2006, F046608) \_\_ Cal.App.4th \_\_

<<http://www.courtinfo.ca.gov/opinions/documents/F046608.PDF>>

The court found that interpreting the rule to require notice in *all* out of home placements arising out of acts that would be deemed crimes if committed by an adult would directly contradict ICWA itself.

The court noted that to interpret the rule in that way also would result in potential burden and delay associated with unjustifiably requiring notice to tribes of every delinquency proceeding where the child is at risk of entering foster care. The amended rule clarifies that notice will only apply after the jurisdiction hearing and only when "probation is recommending foster care or the court orders foster care, or the child is in foster care."

#### *Proceedings after notice*

Federal law requires that no foster care placement be held until at least 10 days after a tribe receives notice. (25 U.S.C.A. § 1912(a).) State law, however, requires the court to hold a detention hearing within three days of the child's removal from the home. To ensure that the tribe is afforded the required notice period, the tribe must be allowed to request a rehearing of the initial detention hearing. The committee therefore recommends amending Rule 1439 to clarify that the tribe can request a rehearing on detention.

Additionally, in accordance with ICWA, the rule has been amended to clarify that the court may make a determination that ICWA does not apply to the case after 60 days. These changes will ensure that the potential

application of ICWA does not unduly delay state court proceedings.

The rule would also reference proposed form JV-136, *Notice of Designation of Tribal Representative and Notice of Intervention in a Juvenile Proceeding* as a form that the tribe may use to intervene at any point in a dependency proceeding and after the jurisdiction hearing in a delinquency proceeding. The rule would also clarify a tribe's rights in a case when ICWA applies. Form JV-136 would be an optional form that would establish a simple intervention process and clarify the rights accorded to a tribal intervenor. The form includes brief instructions to the tribe on how to file and serve notice that the tribe is appearing or formally intervening in a case. Additionally it will assist the court in ensuring that notice is sent to the appropriate tribal agent for service. It will improve access to the courts for tribes who choose to participate in state court proceedings.

#### *Placement*

ICWA requires the state to document and maintain records for each placement involving an Indian child and the efforts made to comply with placement preferences established by the act. ICWA does not identify any particular state agency to fulfill this duty. Currently, tribes utilize the local county welfare department placement records maintained in the Child Welfare Services Case Management System (CWSCMS). The CWSCMS system, however, does not necessarily maintain records documenting specific efforts to comply with the placement preferences established by ICWA. The proposed rule 1439(k) would alert local agencies and courts to the placement requirement and advise local agencies to make such records available upon proper request. It would also improve compliance with the federal requirement to document and maintain records regarding each placement of an Indian child and the specific efforts made to comply with the placement preferences.

The text of the proposed rule amendments is attached at pages 5–14.

The proposed revised and new forms are attached at pages 15–35.

Attachments

Rule 1439 of the California Rules of Court would be amended, effective January 1, 2007, to read:

**Rule 1439. Indian Child Welfare Act (25 U.S.C. § 1901 et seq.)**

(a) \*\*\*

(b) **[Applicability of rule; 25 U.S.C. §§ 1911, 1912]** This rule applies to all proceedings under section 300 et seq. and to proceedings under section 601 and section 602 et seq. in which the child is at risk of entering foster care or is in foster care, ~~including detention hearings, jurisdiction hearings, disposition hearings, reviews, hearings under section 366.26, and subsequent hearings affecting the status of the Indian child.~~

(c) **[Jurisdiction; 25 U.S.C. § 1911]**

(1) \*\*\*

(2) If the Indian child is not domiciled or residing on a reservation that exercises exclusive jurisdiction, the tribe, parent, or Indian custodian may petition the court to transfer the proceedings to the tribal jurisdiction, ~~and the juvenile court must transfer the proceedings to tribal jurisdiction unless there is good cause not to do so~~ using Notice of Request and Request to Transfer Juvenile Case to Tribal Jurisdiction (JV-137) or using another format.

(A) ~~Either parent may object to the transfer. In juvenile dependency cases, requests for transfer will not be heard before the filing of the juvenile dependency petition as prescribed by rule 1407(c).~~

(B) ~~The tribe may decline the transfer of the proceedings. In juvenile wardship cases, requests for transfer will not be heard before the disposition hearing.~~

(C) All requests for transfer of juvenile cases involving an Indian child to the jurisdiction of the child's tribe must be granted unless:

(i) Either parent objects to the transfer,

(ii) The tribe declines the transfer, or

(iii) There is good cause not to transfer the case.

1                   (D) Good cause not to transfer the case to tribal jurisdiction may exist if  
2                   any of the following circumstances exist:

3  
4                   (i) The proceeding was at an advanced stage when the  
5                   request was filed and the petitioner did not file the request  
6                   promptly after receiving notice of the hearing,

7  
8                   (ii) The Indian child is over 12 years of age and objects to the  
9                   transfer,

10  
11                   (iii) The evidence necessary to decide the case could not be  
12                   adequately presented in the tribal court without undue  
13                   hardship to the parties or witnesses, or

14  
15                   (iv) The parents of a child over five years of age are not  
16                   available and the child has had little or no contact with the  
17                   child's tribe or members of the child's tribe.

18  
19                   (E) Socio-economic conditions and the perceived adequacy of tribal  
20                   social services or judicial systems must not be considered in a  
21                   determination that good cause exists not to transfer.

22  
23                   (F) The party opposing the transfer has the burden of establishing good  
24                   cause to the contrary.

25  
26                   (3) If the tribe, parent, or Indian custodian does not intervene or the tribal  
27                   court does not request transfer to tribal jurisdiction, or the court finds  
28                   good cause not to transfer, the court should may proceed to exercise its  
29                   jurisdiction regarding the Indian child under section 300 et seq. and  
30                   section 602 et seq., in accordance with the procedures and standards of  
31                   proof as required by both juvenile court law and the act.

32  
33                   (d) **[Inquiry]** The court, the county welfare department, and the county probation  
34                   department have an affirmative and continuing duty to inquire whether a child  
35                   for whom a petition under section 300, 601, or 602 is to be, or has been, filed  
36                   is or may be an Indian child.

37  
38                   (1) In juvenile wardship proceedings, if the probation officer believes that the  
39                   child is at risk of entering foster care or is in foster care, he or she must  
40                   ask the child, if the child is old enough, and the parents or legal guardians,  
41                   and any relatives identified by the parents or legal guardians, whether the  
42                   child may be an Indian child or may have Indian ancestors ancestry.  
43

(2) In dependency cases, the social worker must ask the child, if the child is old enough, ~~and the parents or legal guardians, and any relatives identified by the parents or legal guardians,~~ whether the child may be an Indian child or may have Indian ~~ancestors~~ ancestry.

(3)–(4) \*\*\*

(e) **[Petition]**

(1) ~~The Indian ancestry inquiry section 1(l) or 1(m) on either the initial or an amended *Juvenile Dependency Petition (Version One)* (JV-100) or section 1(i) or 1(j) of the initial or an amended *Juvenile Dependency Petition (Version Two)* (JV-110) must be checked if the county welfare department knows or has reason to know that the child may be a member of or eligible for membership in a federally recognized Indian tribe or if there is reason to believe the child may be of Indian ancestry, as appropriate. must be completed:~~

(A) for every original section 300 juvenile dependency petition; and

(B) for every section 600 juvenile delinquency petition if the child is at risk of entering foster care or is in foster care.

~~(2) Section 1(m) or 1(n) on either the initial or an amended *Juvenile Wardship Petition* (JV-600) must be checked if the county probation department knows or has reason to know that the child may be a member of or eligible for membership in a federally recognized Indian tribe or if there is reason to believe the child may be of Indian ancestry, as appropriate.~~

~~(3)~~ (2) If the petition ~~section 1(l) of the *Juvenile Dependency Petition (Version One)* (JV-100) or section 1(i) of the *Juvenile Dependency Petition (Version Two)* (JV-110) or section 1(m) of the *Juvenile Wardship Petition* (JV-600)~~ is checked indicates that the child is a member of an Indian tribe or is eligible for membership in an Indian tribe, or if, upon inquiry, or based on other information, the court has reason to know the child may be an Indian child, the court must proceed as if the child were an Indian child and must proceed with all dependency and wardship hearings, observing the Welfare and Institutions Code timelines while complying with the act and this rule.

(A)–(B) \*\*\*



1           ~~(4)(3)~~ If the petition section 1(m) of the *Juvenile Dependency Petition (Version*  
2           *One* (JV 100) is checked and section 1(l) is not, or section 1(j) of the  
3           *Juvenile Dependency Petition (Version Two)* (JV 110) is checked and  
4           section 1(i) is not, or if section 1(n) of the *Juvenile Wardship Petition*  
5           *(JV 600) is checked and section 1(m) is not, indicates only possible*  
6           Indian ancestry, notice of the proceedings to the Bureau of Indian Affairs  
7           and further inquiry regarding the possible Indian status of the child are the  
8           only requirements.  
9

10       (f) **[Notice; 25 U.S.C. § 1912]** If at any time after the filing of the petition, the  
11       court knows or has reason to believe that the child is or may be an Indian child,  
12       then the county welfare department or the county probation department must  
13       notify the parent or legal guardian and Indian custodian of an Indian child, and  
14       the Indian child's tribe, must be notified of the pending petition proceeding  
15       and the right of the tribe to intervene in the proceedings, and proof of such  
16       notice, including copies of notices sent and all return receipts and responses  
17       received, must be filed with the juvenile court. If at any time after the filing of  
18       the petition the court knows or has reason to know that the child is or may be  
19       an Indian child, the following notice procedures must be followed.  
20

21       (1) In dependency cases, the county welfare department must send notice for  
22       all hearings unless and until it is determined that the act does not apply to  
23       the case.  
24

25       (2) In delinquency cases, the county probation department must send notice  
26       for all hearings, after the jurisdiction hearing, if the county probation  
27       department is recommending foster care or the court orders foster care, or  
28       the child is in foster care, unless and until it is determined that the act  
29       does not apply to the case.  
30

31       (3) The following notice procedures must be followed:  
32

33           ~~(1)(A)~~       \*\*\*  
34

35           (B) Copies of notices sent, and all return receipts and responses  
36           received, must be filed with the juvenile court.  
37

38           ~~(2)(C)~~       \*\*\*  
39

40           ~~(3)(D)~~       \*\*\*  
41

42           ~~(4)(E)~~       \*\*\*  
43

1           ~~(5) Notice must be sent whenever there is reason to believe the child may be~~  
2           ~~an Indian child, and for every hearing thereafter unless and until it is~~  
3           ~~determined that the act does not apply to the case.~~

4  
5           ~~(6) If, after a reasonable time following the sending of notice under this rule—~~  
6           ~~but in no event less than 60 days—no determinative response to the notice~~  
7           ~~is received, the court may determine that the act does not apply to the case~~  
8           ~~unless further evidence of the applicability of the act is later received.~~

9  
10          ~~(7)~~(4) If an Indian child's tribe ~~has exercised its right of intervention~~ intervenes  
11          in the proceedings, after receiving form JV-135, is no longer required and  
12          subsequent notices may be sent in the form provided to all other parties.  
13          All other provisions of this ~~section~~ rule continue to apply.

14  
15       (g) \*\*\*

16  
17       (h) [Proceedings after notice; 25 U.S.C. § 1911]

18  
19           (1) If, based on the petition or other information, the court knows or has  
20           reason to believe that the child may be an Indian child, the court must  
21           proceed as if the child were an Indian child.

22  
23           (2) If it is determined that the act applies, the juvenile court hearing ~~shall~~  
24           must not proceed until at least 10 days after those entitled to notice under  
25           the act have received notice.

26  
27           (A) If requested, the parent, Indian custodian, or tribe ~~shall~~ must be  
28           granted a continuance of up to 20 days to prepare for the proceeding.  
29           ~~The tribe may intervene at any point in the proceeding.~~

30  
31           (B) If the child is detained and circumstances do not permit the court to  
32           set the hearing 10 days after notice is received, then the court may  
33           proceed with the hearing. The hearing is subject to rehearing if a  
34           tribe, upon receiving notice, appears and requests a rehearing.

35  
36           (C) The court is not required to delay proceedings until a response to the  
37           notice is received that determines the issue of Indian ancestry.

38  
39           (3) If, after a reasonable time following the sending of notice under this  
40           rule—but in no event less than 60 days—neither the tribe nor the BIA has  
41           responded to the notice indicating that the child is an Indian child, the  
42           court may decide that the act does not apply to the case. If the court later

1 receives information that the child may be an Indian child, then the court  
2 must apply the act.

3  
4 (4) The tribe may intervene at any point in the proceeding. The tribe may use  
5 form JV-136, *Notice of Designation of Tribal Representative and Notice*  
6 *of Intervention in a Juvenile Proceeding* to intervene.

7  
8 (5) The tribe's representative, whether intervening as a party or not, has the  
9 following rights:

10  
11 (A) to receive notice of hearings,

12  
13 (B) to be present at hearings,

14  
15 (C) to address the court,

16  
17 (D) to examine all court documents relating to the dependency case or  
18 the foster care issues of the delinquency case,

19  
20 (E) to request transfer of the case to the tribe's jurisdiction, and

21  
22 (F) to intervene at any point in a proceeding where it is determined the  
23 act applies.

24  
25 (6) In addition to the rights listed above, if a tribe intervenes as a party, the  
26 tribe's representative, whether or not an attorney, must be afforded all the  
27 same rights and privileges as all other parties and counsel for parties,  
28 including but not limited to:

29  
30 (A) receiving copies of all court documents related to the dependency  
31 case or the foster care issues of the delinquency case;

32  
33 (B) submitting written reports and recommendations to the court;

34  
35 (C) sitting with counsel in the courtroom;

36  
37 (D) entering the courtroom at the same time as counsel; and

38  
39 (E) calling and cross-examining witnesses.

40  
41 ~~(4)~~(7) The indigent parent and indigent Indian custodian have a right to court-  
42 appointed counsel.  
43

1           ~~(2) (8)~~ All parties, ~~including the parent, Indian child, Indian custodian, and~~  
2           ~~tribe, and their respective attorneys,~~ have the right to examine all court  
3           documents related to the dependency case ~~and~~ or the foster care issues of  
4           the delinquency case.  
5

- 6           (i) **[Required procedures, findings, and orders for foster care placement and**  
7           **guardianships; 25 U.S.C. § 1912]** The court may not order foster care  
8           placement of an Indian child, or establish a guardianship of an Indian child,  
9           unless the court finds by clear and convincing evidence that continued custody  
10          with the parent or Indian custodian is likely to cause the Indian child serious  
11          emotional or physical damage.  
12

13          (1)–(3) \*\*\*  
14

- 15          (4) In addition to the findings required under section 361, in order to place an  
16          Indian child out of the custody of a parent or Indian custodian, the court  
17          must find that active efforts have been made to provide remedial services  
18          and rehabilitative programs designed to prevent the breakup of the Indian  
19          family, and that these efforts were unsuccessful. Stipulation by the parent  
20          or Indian custodian or failure to object may waive the requirement of this  
21          finding only if the court is satisfied that the party has been fully advised  
22          of the requirements of the act, and has knowingly, intelligently, and  
23          voluntarily waived them.  
24

25               (A) The court ~~shall~~ must consider all available information regarding the  
26               prevailing social and cultural conditions of the Indian child’s tribe.  
27

28               (B) Efforts to provide services ~~shall~~ must include attempts to utilize the  
29               available resources of extended family members, the tribe, Indian  
30               social service agencies, and individual Indian caregivers.  
31

- 32          (j) **~~[Placement of an Indian child in a foster care placement; 25 U.S.C. § 1912]~~**

33          ~~If it is determined that the Act applies, the court may not order foster care~~  
34          ~~placement of an Indian child unless the court finds by clear and convincing~~  
35          ~~evidence that continued custody with the parent or Indian custodian is likely to~~  
36          ~~cause the Indian child serious emotional or physical damage.~~  
37

38          ~~(1) Testimony by a qualified expert witness is required.~~  
39

40          ~~(2) Stipulation by the parent, Indian custodian, or tribe or failure to object~~  
41          ~~may waive the requirement of producing evidence of the likelihood of~~  
42          ~~serious damage only if the court is satisfied that the party has been fully~~

1           ~~advised of the requirements of the Act, and has knowingly, intelligently,~~  
2           ~~and voluntarily waived them.~~

3  
4           ~~(3) If it is determined that the Act applies, failure to meet non-Indian family~~  
5           ~~and child-rearing community standards, or the existence of other behavior~~  
6           ~~or conditions that meet the removal standards of section 361 will not~~  
7           ~~support an order for placement absent the finding that continued custody~~  
8           ~~with the parent or Indian custodian is likely to cause serious emotional or~~  
9           ~~physical damage.~~

10  
11           **(k) [Standards and preferences in placement of an Indian child; 25 U.S.C. §**  
12           **1915]** Foster and adoptive placements of Indian children must follow a  
13           specified order in the absence of good cause to the contrary. Placement  
14           standards ~~shall~~ must be the prevailing social and cultural standards of the  
15           Indian community in which the parent or extended family member resides, or  
16           with which the parent or extended family member maintains social and cultural  
17           contacts. The foster or pre-adoptive placement must be in the least restrictive  
18           setting, within reasonable proximity to the Indian child's home, and capable of  
19           meeting any special needs of the Indian child.

20  
21           (1)–(4) \*\*\*

22  
23           (5) The burden of establishing good cause for the court to alter the preference  
24           order ~~shall is be~~ on the party requesting that a different order be  
25           considered.

26  
27           (6) The tribe, by resolution, may establish a different preference order, which  
28           ~~shall~~ must be followed if it provides for the least restrictive setting.

29  
30           (7) The preferences and wishes of the Indian child and the parent ~~shall~~ must  
31           be considered, and weight given to a consenting parent's request for  
32           anonymity.

33  
34           (8) A record of each placement of an Indian child must be maintained by the  
35           local department of social services or probation department, evidencing  
36           the efforts to comply with the order of preference specified in this  
37           subdivision. The record must be made available at any time upon the  
38           request of the Secretary of the Interior or the Indian child's tribe.

39  
40           **(l) [Active efforts; 25 U.S.C. § 1912]** In addition to the findings required under  
41           section 361, in order to place an Indian child out of the custody of a parent or  
42           Indian custodian, or to issue orders under section 366.26, the court must find  
43           that active efforts have been made to provide remedial services and

1 rehabilitative programs designed to prevent the breakup of the Indian family,  
2 and that these efforts were unsuccessful.

3  
4 (1) The court ~~shall~~ must consider the prevailing social and cultural conditions  
5 of the Indian child's tribe.

6  
7 (2) Efforts to provide services ~~shall~~ must include attempts to utilize the  
8 available resources of extended family members, the tribe, Indian social  
9 service agencies, and individual Indian caregivers.

10  
11 (m) **[Termination of parental rights; 25 U.S.C. § 1912]** The court may not  
12 terminate parental rights to an Indian child unless there is proof beyond a  
13 reasonable doubt that continued custody by the parent or Indian custodian is  
14 likely to result in serious emotional or physical damage to the child.

15  
16 (1)–(2) \*\*\*

17  
18 (3) Consent to a voluntary termination of parental rights, relinquishment of  
19 parental rights, or consent to adoption ~~shall~~ must be executed in writing  
20 and recorded before a judicial officer of competent jurisdiction. The court  
21 must certify that the terms and consequences of the consent were  
22 explained in detail, in the language of the parent or Indian custodian, and  
23 fully understood by the parent or Indian custodian. If confidentiality is  
24 requested or appropriate, the consent may be executed in chambers.

25  
26 (4) \*\*\*

27  
28 (n) **[Petition to invalidate orders of removal or termination of parental rights;**  
29 **25 U.S.C. § 1914]** If it is determined that the act applies, the Indian child, a  
30 parent, an Indian custodian, or the child's tribe may petition any court of  
31 competent jurisdiction to invalidate a foster placement or termination of  
32 parental rights.

33  
34 (1) \*\*\*

35  
36 (2) If a final decree of adoption is set aside, or if the adoptive parents  
37 voluntarily consent to the termination of their parental rights, a biological  
38 parent or prior Indian custodian may petition for a return of custody of the  
39 Indian child.

40  
41 (A) The court ~~shall~~ must grant the petition for return unless there is a  
42 showing that return is contrary to the best interests of the Indian  
43 child.

1  
2 (B) The hearing on the petition to return ~~shall~~ must be conducted in  
3 accordance with the act and the relevant ~~sections~~ subdivisions of this  
4 rule.  
5

6 (o) **[Post-hearing actions; 25 U.S.C. § 1916]** Whenever an Indian child is  
7 removed from a foster home or institution for placement in a different foster  
8 home, institution, or pre-adoptive or adoptive home, the placement ~~shall~~ must  
9 be in accordance with the act and the relevant ~~sections~~ subdivisions of this  
10 rule.

11 (p) **[Recordkeeping; 25 U.S.C. § 1951]**  
12

13 (1) Upon granting a decree of adoption of an Indian child, the court ~~shall~~  
14 must provide the Secretary of the Interior with a copy of the decree and  
15 other information needed to show:  
16

17 (A)–(D) \*\*\*  
18

19 (2) If a biological parent has executed an affidavit requesting that his or her  
20 identity remain confidential, the court ~~shall~~ must provide the affidavit to  
21 the Secretary of the Interior, who ~~shall~~ must ensure the confidentiality of  
22 the information.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.: E-MAIL ADDRESS (<i>Optional</i>): ATTORNEY FOR (<i>Name</i>):</div> <div>FAX NO. (<i>Optional</i>):</div> </div>	<b>FOR COURT USE ONLY</b>   <b>DRAFT 9</b> <b>03/10/06 mc (per jw)</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE:  BRANCH NAME:  CHILD'S NAME:	
<b>JUVENILE DEPENDENCY PETITION (VERSION ONE)</b> <b>(Welf. &amp; Inst. Code, § 300 et seq.)</b>  <input type="checkbox"/> § 300—Original <input type="checkbox"/> § 342—Subsequent <input type="checkbox"/> § 387—Supplemental	CASE NUMBER:  RELATED CASES ( <i>if any</i> ):

## 1. Petitioner on information and belief alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code ( <i>check applicable boxes; see attachment 1a for concise statements of facts</i> ): <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j)			
b. Child's name:		c. Age:	d. Date of birth:
e. Sex:			
f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father ( <i>check all that apply</i> ): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father ( <i>check all that apply</i> ): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father ( <i>check all that apply</i> ): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	i. Other ( <i>state name, address, and relationship to child</i> ):  <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
j. Prior to intervention, child resided with <input type="checkbox"/> parent ( <i>name</i> ): <input type="checkbox"/> parent ( <i>name</i> ): <input type="checkbox"/> guardian ( <i>name</i> ): <input type="checkbox"/> other ( <i>state name, address, and relationship to child</i> ):	k. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: Current place of detention ( <i>address</i> ):  <input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other		
l. Indian ancestry inquiry <input type="checkbox"/> made <input type="checkbox"/> not made   and <input type="checkbox"/> child may be a member of, or eligible for membership in, a federally recognized Indian tribe. <input type="checkbox"/> child may be of Indian ancestry. <input type="checkbox"/> no Indian ancestry reported.			



CHILD'S NAME: _____	CASE NUMBER: _____
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2. Petitioner requests that the court find these allegations to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

	▶	
(TYPE OR PRINT NAME)		(SIGNATURE OF PETITIONER)

Address and telephone number *(If different person signing than listed in caption above):*

☐ Number of pages attached: \_\_\_\_\_ ☐ Other children are listed on *Additional Children Attachment* (form JV-101)

## — NOTICE —

### TO PARENT

Your parental rights may be permanently terminated. To protect your rights, you must appear in court and answer this petition.

### TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for you or your child by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

CHILD'S NAME: _____	CASE NUMBER: _____
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## 3. Petitioner on information and belief further alleges the following:

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code <i>(check applicable boxes; see attachment 3a for concise statements of facts)</i> : <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j)				
b. Child's name:		c. Age:	d. Date of birth:	e. Sex:
<input type="checkbox"/> Information is the same as that given for the child in item 1. <i>(If not the same, provide different information below.)</i>				
f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father <i>(check all that apply)</i> : <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father <i>(check all that apply)</i> : <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father <i>(check all that apply)</i> : <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		i. Other <i>(state name, address, and relationship to child)</i> :  <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
j. Prior to intervention, child resided with <input type="checkbox"/> parent <i>(name)</i> : <input type="checkbox"/> parent <i>(name)</i> : <input type="checkbox"/> guardian <i>(name)</i> : <input type="checkbox"/> other <i>(state name, address, and relationship to child)</i> :		k. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: Current place of detention <i>(address)</i> :  <input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other		
l. Indian ancestry inquiry <input type="checkbox"/> made <input type="checkbox"/> not made   and <input type="checkbox"/> child may be a member of, or eligible for membership in, a federally recognized Indian tribe. <input type="checkbox"/> child may be of Indian ancestry. <input type="checkbox"/> no Indian ancestry reported.				

a. The child named below comes within the jurisdiction of the juvenile court under the following subdivisions of section 300 of the Welfare and Institutions Code <i>(check applicable boxes; see attachment 3a for concise statements of facts)</i> : <input type="checkbox"/> (a) <input type="checkbox"/> (b) <input type="checkbox"/> (c) <input type="checkbox"/> (d) <input type="checkbox"/> (e) <input type="checkbox"/> (f) <input type="checkbox"/> (g) <input type="checkbox"/> (h) <input type="checkbox"/> (i) <input type="checkbox"/> (j)				
b. Child's name:		c. Age:	d. Date of birth:	e. Sex:
<input type="checkbox"/> Information is the same as that given for the child in item 1. <i>(If not the same, provide different information below.)</i>				
f. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father <i>(check all that apply)</i> : <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		g. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father <i>(check all that apply)</i> : <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
h. Name: <input type="checkbox"/> mother Address: <input type="checkbox"/> father <input type="checkbox"/> guardian <input type="checkbox"/> unknown  If mother or father <i>(check all that apply)</i> : <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		i. Other <i>(state name, address, and relationship to child)</i> :  <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		

CHILD'S NAME:  	CASE NUMBER:  
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j. Prior to intervention, child resided with <input type="checkbox"/> parent ( <i>name</i> ): <input type="checkbox"/> parent ( <i>name</i> ): <input type="checkbox"/> guardian ( <i>name</i> ): <input type="checkbox"/> other ( <i>state name, address, and relationship to child</i> ):	k. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained Date and time of detention: Current place of detention ( <i>address</i> ):  <input type="checkbox"/> Relative <input type="checkbox"/> Shelter/foster care <input type="checkbox"/> Other
l. Indian ancestry inquiry <input type="checkbox"/> made <input type="checkbox"/> not made   and <input type="checkbox"/> child may be a member of, or eligible for membership in, a federally recognized Indian tribe. <input type="checkbox"/> child may be of Indian ancestry. <input type="checkbox"/> no Indian ancestry reported.	

1. Petitioner on information and belief alleges the following:

Form Adopted for Alternative Mandatory Use  
Instead of Form JV-100  
Judicial Council of California  
JV-110 [Rev. January 1, 2007]

CHILD'S NAME: _____	CASE NUMBER: _____
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- j. Indian ancestry inquiry ☐ made ☐ not made and  
☐ child may be a member of, or eligible for membership in, a federally recognized Indian tribe.  
☐ child may be of Indian ancestry.  
☐ no Indian ancestry reported.

2. Petitioner requests that the court find these allegations to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)



\_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

Address and telephone number *(If different person signing than listed in caption above):*

☐ Number of pages attached: \_\_\_\_\_

## — NOTICE —

### TO PARENT

Your parental rights may be permanently terminated. To protect your rights, you must appear in court and answer this petition.

### TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for you or your child by a public defender or other attorney, and the cost of supervision of your child by order of the juvenile court.

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	FOR COURT USE ONLY  <b>DRAFT 3</b> <b>03/08/06 xyz</b>  <b>Not approved</b> <b>by the Judicial</b> <b>Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CASE NAME: _____	
<b>NOTICE OF INVOLUNTARY CHILD CUSTODY PROCEEDINGS FOR AN INDIAN CHILD—JUVENILE COURT</b>	

**NOTICE TO (*check all that apply*):**

☐ Parent
 ☐ Tribe
 ☐ Indian Custodian
 ☐ Bureau of Indian Affairs (BIA)

1. a. Child's name:  
 b. Date of birth:  
 c. Place of birth (*city, state, and, if applicable, reservation*):
2. Child is reported to be eligible for membership in the following tribe or band (*name each*):

**Based on a petition filed (*date*): \_\_\_\_\_, the child has been temporarily placed in the custody of the county welfare department, probation department, or Indian custodian named below:**

3. County welfare department (*address*):
4. Probation department (*address*):
5. Indian custodian (*name and address for each*):

6. Name of social worker or probation officer: \_\_\_\_\_ Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

**HEARING INFORMATION**

7. Date of next hearing:	Dept:	Time:	Type of hearing:
--------------------------	-------	-------	------------------

☐ Located at above address ☐ Other:

CASE NAME: _____	CASE NUMBER: _____
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**8. UNDER THE INDIAN CHILD WELFARE ACT AND CALIFORNIA LAW:**

- a. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to be present at all dependency hearings.
- b. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to be present at all delinquency hearings except that the Indian custodian and the child's tribe do not have a right to be present at jurisdiction hearings.
- c. The biological or adoptive parents, any Indian custodian, and the child's tribe have the right to intervene in all proceedings except that the Indian custodian and the child's tribe do not have a right to intervene in jurisdictional proceedings in delinquency cases.
- d. If the parents or custodians have a right to be represented by a lawyer and if they cannot afford to hire one, the court will appoint a lawyer for them.
- e. If the child's tribe, any parent, or any Indian custodian requests it, the court will permit the hearing to be held up to 20 days after receipt of this notice.
- f. The date, time, and place of the hearing are on the first page of this form.
- g. If the tribe has a tribal court, the tribe, any parent, or any Indian custodian of the child may request a transfer of the case to the child's tribal court. They also have the right to refuse to have the case transferred to the tribal court.
- h. The proceedings could lead to the removal of the child from the custody of the parent or Indian custodian and possible adoption of the child.
- i. Juvenile court proceedings are confidential. Information concerning the juvenile court proceedings should be kept confidential.

**9. a. INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CUSTODY PROCEEDING**

*(Indicate if any of the information requested below is unknown or nonapplicable.)*

**Attach any information that might be of assistance in determining the child's Indian status, including names and addresses of extended family members who may have Indian heritage.**

<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> Mother <input type="checkbox"/> Father
Name (include maiden, married, and former or aliases):	Name (include maiden, married, and former or aliases):
Address:	Address:
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME: —	CASE NUMBER:
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**9. b. INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CHILD CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

<input type="checkbox"/> Maternal <input type="checkbox"/> Grandmother	<input type="checkbox"/> Paternal <input type="checkbox"/> Grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Grandmother	<input type="checkbox"/> Paternal <input type="checkbox"/> Grandfather
Name (include maiden, married, and former or aliases):		Name (include maiden, married, and former or aliases):	
Address:		Address:	
Birthdate and place:		Birthdate and place:	
Tribe, band, and location:		Tribe, band, and location:	
If available, provide enrollment number or BIA/tribal agency:		If available, provide enrollment number or BIA/tribal agency:	
If deceased, date and place of death:		If deceased, date and place of death:	
Additional information:		Additional information:	
<input type="checkbox"/> Maternal <input type="checkbox"/> Grandmother	<input type="checkbox"/> Paternal <input type="checkbox"/> Grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Grandmother	<input type="checkbox"/> Paternal <input type="checkbox"/> Grandfather
Name (include maiden, married, and former or aliases):		Name (include maiden, married, and former or aliases):	
Address:		Address:	
Birthdate and place:		Birthdate and place:	
Tribe, band, and location:		Tribe, band, and location:	
If available, provide enrollment number or BIA/tribal agency:		If available, provide enrollment number or BIA/tribal agency:	
If deceased, date and place of death:		If deceased, date and place of death:	
Additional information:		Additional information:	



CASE NAME:  	CASE NUMBER:  
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**9. c. INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CHILD CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather
Name (include maiden, married, and former or aliases):	Name (include maiden, married, and former or aliases):
Address:	Address:
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:
<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather	<input type="checkbox"/> Maternal <input type="checkbox"/> Paternal <input type="checkbox"/> Great-grandmother <input type="checkbox"/> Great-grandfather
Name (include maiden, married, and former or aliases):	Name (include maiden, married, and former or aliases):
Address:	Address:
Birthdate and place:	Birthdate and place:
Tribe, band, and location:	Tribe, band, and location:
If available, provide enrollment number or BIA/tribal agency:	If available, provide enrollment number or BIA/tribal agency:
If deceased, date and place of death:	If deceased, date and place of death:
Additional information:	Additional information:

CASE NAME:  	CASE NUMBER:  
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**INFORMATION ON CHILD WHO IS THE SUBJECT OF AN INVOLUNTARY CUSTODY PROCEEDING**  
*(Indicate if any of the information requested below is unknown or nonapplicable.)*

10. ☐ Birth father is named on birth certificate. ☐ Unknown
11. ☐ Birth father has acknowledged paternity. ☐ Unknown
12. ☐ There has been a judicial declaration of paternity. ☐ Unknown
13. ☐ Other alleged father (name each):

**The following optional questions may be helpful in tracing the ancestry of any person alleging Indian descent.**

14. Have you or any of members of your family ever:

a. Attended an Indian school? ☐ Yes ☐ No ☐ Unknown

Name/relationship	Type of school	Dates attended	Name and location of school

- b. Received medical treatment at an Indian health clinic or U.S. Public Health Service hospital?

☐ Yes ☐ No ☐ Unknown

Name/relationship	Type of treatment	Dates treatment received	Location where treatment received

- c. Lived on federal trust land, a reservation or rancheria, or an allotment? ☐ Yes ☐ No ☐ Unknown

Name/relationship	Name/description and address	Dates

15. Tribal affiliation and location (check any that apply):

a. ☐ 1906 Final Roll      Name of relative: \_\_\_\_\_

The 1906 Final Roll was prepared by the Dawes Commission. Individuals who allege to be of Chickasaw, Creek, Cherokee, Choctaw, or Seminole ancestry from Oklahoma must provide the name of a relative who is listed on this final roll.

b. ☐ Roll of 1924      Name of relative: \_\_\_\_\_

The Roll of 1924 relates to the Eastern Band of Cherokees who were from states other than Oklahoma (such as North Carolina, Georgia, Mississippi, or another southeastern state). Individuals who allege to be of Eastern Cherokee descent must provide the name of a relative listed on the Roll of 1924.

c. ☐ California Judgment Roll      Roll number, if available: \_\_\_\_\_

CASE NAME: _____	CASE NUMBER: _____
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**CERTIFICATE OF MAILING****(To be completed by social worker, probation officer, or clerk of juvenile court)**

I certify that a copy of the *Notice of Involuntary Child Custody Proceedings for an Indian Child*, with a copy of the petition, was mailed as follows. Each copy was enclosed in an envelope with postage for registered or certified mail, return receipt requested, fully prepaid. The envelopes were addressed to each person, tribe, or agency as indicated below. Each envelope was sealed and deposited with the United States Postal Service at *(place)*: on *(date)*:

Date:

Title:

Department:

 \_\_\_\_\_  
 (TYPE OR PRINT NAME)

 \_\_\_\_\_  
 (SIGNATURE )
**This form and any return receipts must be filed with the court.**List all persons, tribes, or agencies provided notice with the full mailing address *(attach extra sheets if necessary)*:
☐ Number of pages attached: \_\_\_\_\_

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <div style="display: flex; justify-content: space-between;"> <div>TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):</div> <div>FAX NO. (Optional):</div> </div>	<b>FOR COURT USE ONLY</b>  <b>Draft 8</b> <b>03/10/06 mc</b> <b>Not approved by</b> <b>the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CASE NAME:	
<b>JUVENILE WARDSHIP PETITION</b> <input type="checkbox"/> § 601(a) <input type="checkbox"/> § 601(b) <input type="checkbox"/> § 602(a)	CASE NUMBER:

## 1. Petitioner on information and belief alleges the following:

a. <input type="checkbox"/> The child named below comes within the jurisdiction of the juvenile court under the following sections of the Welfare and Institutions Code (check applicable boxes; see attachments for concise statements of facts): <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a)    Violation (specify code section):			
b. <input type="checkbox"/> Under a previous order of this court, dated _____, the child was declared a ward under Welfare and Institutions Code section <input type="checkbox"/> 601(a) <input type="checkbox"/> 601(b) <input type="checkbox"/> 602(a).			
c. Child's name and address:	d. Age:	e. Date of birth:	f. Sex:
g. Name: _____ Address: _____  <div style="display: flex; justify-content: flex-end;"> <input type="checkbox"/> mother  <input type="checkbox"/> father  <input type="checkbox"/> guardian  <input type="checkbox"/> unknown       </div> If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	h. Name: _____ Address: _____  <div style="display: flex; justify-content: flex-end;"> <input type="checkbox"/> mother  <input type="checkbox"/> father  <input type="checkbox"/> guardian  <input type="checkbox"/> unknown       </div> If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged		
i. Name: _____ Address: _____  <div style="display: flex; justify-content: flex-end;"> <input type="checkbox"/> mother  <input type="checkbox"/> father  <input type="checkbox"/> guardian  <input type="checkbox"/> unknown       </div> If mother or father (check all that apply): <input type="checkbox"/> legal <input type="checkbox"/> biological <input type="checkbox"/> presumed <input type="checkbox"/> alleged	j. Other (state name, address, and relationship to child):  <input type="checkbox"/> No known parent or guardian resides within this state. This adult relative lives in this county or is closest to this court.		
k. Attorney for child (if known): Address: _____  Phone number: _____	l. Child is <input type="checkbox"/> not detained <input type="checkbox"/> detained. Date and time of detention (custody): _____  Current place of detention (address): _____		

(See important notice on page 2.)

Page 1 of 2

CHILD'S NAME: _____	CASE NUMBER: _____
------------------------	-----------------------

- m. Indian ancestry inquiry ☐ made ☐ not made and  
☐ child may be a member of, or eligible for membership in, a federally recognized Indian tribe.  
☐ child may be of Indian ancestry.  
☐ no Indian ancestry reported.

2. ☐ Petitioner requests a hearing to determine whether the child is a fit and proper subject under juvenile court law under Welfare and Institutions Code section ☐ 707(a)(1) ☐ 707(a)(2) ☐ 707(c).

3. Petitioner requests that the court find these allegations to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_  
 (TYPE OR PRINT NAME)



\_\_\_\_\_  
 (SIGNATURE OF PETITIONER)

☐ Number of pages attached: \_\_\_\_\_

## — NOTICE —

### TO PARENTS OR OTHERS LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD

You and the estate of your child may be jointly and severally liable for the cost of the care, support, and maintenance of your child in any placement or detention facility, the cost of legal services for your child or you by a public defender or other attorney, the cost of supervision of your child by order of the juvenile court, and the cost of any restitution owed to the victim.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):     TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 12</b>  <b>03/10/06 xyz</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b>  STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
<b>NOTICE OF DESIGNATION OF TRIBAL REPRESENTATIVE AND NOTICE OF INTERVENTION IN A JUVENILE PROCEEDING</b>	CASE NUMBER: _____
	RELATED CASES (if any): _____

TO ALL PARTIES:

- I represent the (please type or print name of tribe): \_\_\_\_\_, which is a federally recognized Indian tribe listed in the Federal Register.
- The above named child or children are:
  - ☐ Members of this tribe
  - ☐ Eligible for membership in this tribe and their ☐ Mother ☐ Father is a member of this tribe.
- Under the Indian Child Welfare Act, the tribe designates (specify name and title): \_\_\_\_\_ as the tribe's representative and authorizes that person under the attached ☐ tribal resolution ☐ other official tribal document for the following purposes:
  - to receive notice of hearings;
  - to be present at hearings;
  - to address the court;
  - to examine all court documents relating to the dependency case or the foster care issues of the delinquency case;
  - to request transfer of the foster care case to the tribe's jurisdiction; and
  - to intervene at any point in a dependency proceeding and at any point during or after the disposition hearing in a delinquency proceeding where the child is placed in foster care.
- ☐ The tribe is formally intervening as a party and is entitled to additional party rights not listed in item 3, including the right to be treated in the same manner as counsel.
- ☐ The tribe does not formally intervene at this time but requests that notice of all proceedings continue to be sent to the tribe.
- The tribe requests that notice of all proceedings be sent to the above named tribal representative at the contact information below:
 

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, state, zip code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_
- The tribe ☐ requests ☐ does not request an additional notice be sent to the tribal council at the contact information below:
 

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, state, zip code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date: \_\_\_\_\_

(TYPE OR PRINT NAME)

(SIGNATURE)

CHILD'S NAME:  	CASE NUMBER:  
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### PROOF OF SERVICE

JV-136, the *Notice of Designation of Tribal Representative and Notice of Intervention in a Juvenile Proceeding* must be served on the other parties or attorneys for the parties. Anyone at least 18 years of age EXCEPT A PARTY in this action may personally serve or mail the notice. Be sure whoever serves the notice fills out and signs this proof of service. JV-136, the *Notice of Designation of Tribal Representative and Notice of Intervention in a Juvenile Proceeding* cannot be filed with the court until all the parties or attorneys are served.

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. I served a copy of form JV-136 and all attachments as follows (*check either a or b below for each person served*):
  - a. ☐ **Personal service.** I personally delivered a copy of form JV-136 and all attachments as follows:
 

<input type="checkbox"/> (1) Name of child's attorney served:  (a) Address where delivered:  (b) Date of delivery: (c) Time of delivery:	<input type="checkbox"/> (4) Name of <input type="checkbox"/> parent ( <i>delinquency</i> ) or <input type="checkbox"/> parent's attorney ( <i>dependency</i> ) served:  (a) Address where delivered:  (b) Date of delivery: (c) Time of delivery:
<input type="checkbox"/> (2) Name of CASA served:  (a) Address where delivered:  (b) Date of delivery: (c) Time of delivery:	<input type="checkbox"/> (5) Name of <input type="checkbox"/> parent ( <i>delinquency</i> ) or <input type="checkbox"/> parent's attorney ( <i>dependency</i> ) served:  (a) Address where delivered:  (b) Date of delivery: (c) Time of delivery:
<input type="checkbox"/> (3) Name of <input type="checkbox"/> child's caregiver or <input type="checkbox"/> Indian custodian served:  (a) Address where delivered:  (b) Date of delivery: (c) Time of delivery:	<input type="checkbox"/> (6) Name of <input type="checkbox"/> social worker or <input type="checkbox"/> probation officer served:  (a) Address where delivered:  (b) Date of delivery: (c) Time of delivery:

CHILD'S NAME:  	CASE NUMBER:  
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- b. ☐ **Mail.** I deposited a copy of form JV-136 and all attachments in the United States mail, in a sealed envelope with postage fully prepaid, addressed as follows:

☐ (1) Name of child's attorney served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (4) Name of ☐ parent (*delinquency*)  
or ☐ parent's attorney (*dependency*) served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (2) Name of CASA served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (5) Name of ☐ parent (*delinquency*)  
or ☐ parent's attorney (*dependency*) served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (3) Name of ☐ child's caregiver  
or ☐ Indian custodian served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (6) Name of ☐ social worker or  
or ☐ probation officer served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

- c. ☐ **Attachment.** If there are additional persons to serve, attach a separate piece of paper to form JV-136, write the child's name and case number on the top, and list additional persons' names, addresses, dates of delivery, times of delivery, and whether service was made personally or by mail.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)

 \_\_\_\_\_  
(SIGNATURE OF PERSON WHO SERVED NOTICE)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):   TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 12</b> <b>03/10/06 mc (per jw)</b> <b>Not approved by the</b> <b>Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
CHILD'S NAME:	
<b>NOTICE OF REQUEST AND REQUEST TO TRANSFER JUVENILE CASE TO TRIBAL JURISDICTION</b>	
CASE NUMBER:	
RELATED CASES (if any):	

TO ALL PARTIES:

1. A hearing on this request will be held as follows:

a. Date:	Time:	Dept.:	Room:
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b. Address of court: ☐ same as noted above ☐ other (specify):

2. Child's name: \_\_\_\_\_ Date of birth: \_\_\_\_\_

3. I ask the court to transfer jurisdiction over the above named child's case to the tribal Jurisdiction listed below:

Name of federally recognized tribe:

Name of court:

Address of court:

Mailing address of court:

City, state, and zip code:

Telephone:

Fax:

Attention:

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

\_\_\_\_\_  
(TYPE OR PRINT NAME)



\_\_\_\_\_  
(SIGNATURE OF DECLARANT)

CHILD'S NAME:  	CASE NUMBER:  
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### PROOF OF SERVICE

The *Notice of Request and Request to Transfer Juvenile Case to Tribal Jurisdiction* must be served on all other parties or attorneys for the parties. After getting a hearing date from the court clerk and completing the *Notice of Request and Request to Transfer Juvenile Case to Tribal Jurisdiction* form, anyone at least 18 years of age EXCEPT A PARTY in this action may personally serve or mail the request. Be sure whoever serves the notice fills out and signs this proof of service. JV-137, the *Notice of Request and Request to Transfer Juvenile Case to Tribal Jurisdiction* cannot be filed with the court until all the parties or attorneys are served. Request to transfer cannot be heard for juvenile dependency cases until after the JV-100 or JV-110, *Juvenile Dependency Petition* has been filed and for juvenile delinquency cases, not until after the jurisdiction hearing.

1. At the time of service I was at least 18 years of age and not a party to the legal action.
2. I served a copy of form JV-137 and all attachments as follows (*check either a or b below for each person served*):

a. ☐ **Personal service.** I personally delivered a copy of form JV-137 and all attachments as follows:

☐ (1) Name of child's attorney served:

☐ (4) Name of ☐ parent (*delinquency*)  
or ☐ parent's attorney (*dependency*) served:

(a) Address where delivered:

(a) Address where delivered:

(b) Date of delivery:

(b) Date of delivery:

(c) Time of delivery:

(c) Time of delivery:

☐ (2) Name of CASA served:

☐ (5) Name of ☐ parent (*delinquency*)  
or ☐ parent's attorney (*dependency*) served:

(a) Address where delivered:

(a) Address where delivered:

(b) Date of delivery:

(b) Date of delivery:

(c) Time of delivery:

(c) Time of delivery:

☐ (3) Name of ☐ child's caregiver  
or ☐ Indian custodian served:

☐ (6) Name of ☐ social worker  
or ☐ probation officer served:

(a) Address where delivered:

(a) Address where delivered:

(b) Date of delivery:

(b) Date of delivery:

(c) Time of delivery:

(c) Time of delivery:

CHILD'S NAME:  	CASE NUMBER:  
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- b. ☐ **Mail.** I deposited a copy of form JV-137 and all attachments in the United States mail, in a sealed envelope with postage fully prepaid, addressed as follows:

☐ (1) Name of child's attorney served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (4) Name of ☐ parent (*delinquency*)  
or ☐ parent's attorney (*dependency*) served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (2) Name of CASA served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (5) Name of ☐ parent (*delinquency*)  
or ☐ parent's attorney (*dependency*) served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (3) Name of ☐ child's caregiver  
or ☐ Indian custodian served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

☐ (6) Name of ☐ social worker or  
or ☐ probation officer served:

(a) Address where delivered:

(b) Date of delivery:

(c) Time of delivery:

- c. ☐ **Attachment.** If there are additional persons to serve, attach a separate piece of paper to form JV-137, write the child's name and case number on the top, and list additional persons' names, addresses, dates of delivery, times of delivery, and whether service was made personally or by mail.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PERSON WHO SERVED NOTICE)

ATTORNEY OR PARTY WITHOUT ATTORNEY ( <i>Name, State Bar number, and address</i> ):   TELEPHONE NO.: _____ FAX NO. ( <i>Optional</i> ): _____ E-MAIL ADDRESS ( <i>Optional</i> ): _____ ATTORNEY FOR ( <i>Name</i> ): _____	<b>FOR COURT USE ONLY</b>  <b>DRAFT 3</b>  <b>03/08/06 XYZ</b>  <b>Not approved by the Judicial Council</b>
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____</b> STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____	
CHILD'S NAME: _____	
<b>ORDER TRANSFERRING JUVENILE CASE TO TRIBAL JURISDICTION</b>	
	RELATED CASES ( <i>if any</i> ): _____

1. Child's name: \_\_\_\_\_ Date of birth: \_\_\_\_\_
2. a. Date of hearing: \_\_\_\_\_ Time: \_\_\_\_\_ Dept.: \_\_\_\_\_ Room: \_\_\_\_\_
- b. Persons present:
- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Child                           | <input type="checkbox"/> Parent ( <i>name</i> ): _____ | <input type="checkbox"/> Parent's attorney |
| <input type="checkbox"/> Child's attorney                | <input type="checkbox"/> Parent ( <i>name</i> ): _____ | <input type="checkbox"/> Parent's attorney |
| <input type="checkbox"/> Probation officer/social worker | <input type="checkbox"/> Guardian                      | <input type="checkbox"/> CASA              |
| <input type="checkbox"/> Deputy county counsel           | <input type="checkbox"/> Deputy district attorney      | <input type="checkbox"/> Other: _____      |
3. The court has read and considered the
- ☐ JV-137, *Notice of Request and Request to Transfer Juvenile Case to Tribal Jurisdiction*
- ☐ Other relevant evidence
4. The court finds and orders under 25 U.S.C. § 1911:
- a. ☐ The child's case is ordered transferred to the tribal jurisdiction.
- (1) ☐ Child must remain at the present address.
- (2) ☐ Child must be transported in custody to the receiving jurisdiction.
- b. ☐ The request to transfer is denied because there is good cause not to transfer the child's case due to the following circumstances:
- (1) ☐ The child's tribe opposes the transfer.
- (2) ☐ Parent (*name*): \_\_\_\_\_ ☐ Parent (*name*): \_\_\_\_\_ opposes the transfer.
- (3) ☐ Other circumstances (*specify*): \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
JUDICIAL OFFICER